

NOT FOR PUBLICATION

UNITED STATES DISTRICT COURT
DISTRICT OF NEW JERSEY

ABRAHAM TEITELBAUM, et al.,

Plaintiffs,

v.

MORTGAGE SERVICES III, LLC,
et al.,

Defendants.

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CIVIL ACTION NO. 14-6608 (MLC)

MEMORANDUM OPINION

THE REMOVAL OF THIS ACTION to federal court was premised solely upon the portions of the complaint raising allegations about violations of federal law. (See *dk.* 1, Notice of Removal; *dk.* 1-1, *Compl.*) See 28 U.S.C. § 1331. But the plaintiffs now assert “that their interests would best be served by deleting the allegation as to [federal law] from the complaint, and we understand that the withdrawal of such claim is with prejudice”. (*Dkt.* 17, *Pls. Letter.*) They also assert that “the basis for removal to the District Court has been eliminated, and it would be appropriate for the Court to enter an order remanding the case to the Superior Court of New Jersey”. (Id.; see *dk.* 17-1, *Pls. Proposed Order* (stating plaintiffs “will delete (with prejudice)” the portion of the complaint concerning federal law, “thereby eliminating the basis for the removal of this action”).)

THE COURT will: (1) dismiss the complaint insofar as it asserts any claims pursuant to federal law with prejudice; and (2) remand the action insofar as it asserts any claims pursuant to state law to state court for any further proceedings. See 28 U.S.C. § 1367(c)(3); see also Beckinger v. Twp. of Elizabeth, 434 Fed.Appx. 164, 170 (3d Cir. 2011) (affirming judgment wherein district court — upon entering judgment in favor of defendants on the federal claims forming the basis for removal — remanded the action insofar as it asserted state law claims to state court).

FOR GOOD CAUSE APPEARING, the Court will issue an appropriate order and judgment.

s/ Mary L. Cooper
MARY L. COOPER
United States District Judge

Dated: June 24, 2015